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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,625	08/05/2003	Kyeong Jin Kim	041501-5455-01	6368
9629	7590	09/30/2009	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				NGUYEN, DUNG T
ART UNIT		PAPER NUMBER		
2871				
			MAIL DATE	DELIVERY MODE
			09/30/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,625	KIM, KYEONG JIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dung Nguyen	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 July 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 11-15, 17, 18 and 22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 11-15, 17, 18 and 22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/14/2009 has been entered.

Applicants' amendment dated 07/14/2009 has been received and entered. By the amendment, claims 11-15, 17-18 and 22 are pending in the application.

Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection as follows:

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-15, 17-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,177,972 (to Held et al.) in view of United States Patent No. 6,222,603 B1 (to Sakai et al.).

Regarding claims 11 and 22, Held et al. disclose an in-plane switchable type liquid crystal display device (figures 3-4) comprising a liquid crystal mixture (nematic liquid crystals 1 and polymer precursor 8) between the first and second substrates (inherently formed in the

device), an in-plane electrode for horizontal electric field, wherein, when applying electric field (figure 4) the liquid crystal mixture are arranged in different direction from that of no voltage (figure 3) as claimed; therefore, the polymer network would be increased a restoring force to restore the liquid crystal when no voltage applying (fast responding)

Held et al., however, do not disclose a sealant along a periphery of one of the first and second substrates. Sakai et al. disclose a first sealant (6) and a second sealant (11) along a periphery of a pair of substrates (2). Therefore, it would have been obvious to one of ordinary skill in the art of liquid crystal displays at the time the invention was made to employ a sealant along a periphery of the display area as shown by Sakai et al. to incorporate first and second sealants along a periphery of one of first and second substrates into a liquid crystal display device to contain the liquid crystal layer and improve an uniform of the cell gap (col. 6, lines 49-50).

Regarding claims 12-14, the sealant may include thermosetting resins, UV-cured resins, and dual active resins which can harden in the presence of UV rays as well as heating (col. 6, ln 32).

Regarding claim 15, Held et al. disclose an alignment layer for alignment of the liquid crystal layer (col. 1, ln 50).

Regarding claim 17-18, Sakai et al. do disclose a spacer (figure 1, 4) to maintain substrate gap. It would have been obvious to one skilled in the art to employ a spacer having a columnar shape.

It should be noted that the limitation of “by irradiated an UV light in curing the sealant” recites a one-step process which does not further limit the structure of the device claims. Therefore, this limitation has not been given patentable weight.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN  
09/28/2009

/Dung T. Nguyen/  
Primary Examiner  
Art Unit 2871

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